PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, on we, Edith M. Preston legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 1Ao4.3 B.2 to allow a minimum diametral dimension of 145° in lieu of the required 250°.

1A04.3 B.3 to allow a 15' side yard setback in lieu of the re-

quired 50° side yard setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

This parcel of land is already recorded in a separate deed in the Land Records of Baltimore County and because of its width and lot size it cannot meet the minimums outlined in the aforesaid paragraphs of the Baltimore County Zoning Regulations which have been approved after this deed was

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrict. 's of

Balicagre County adopted pursuant to the Zoning Law For Baltimore County. Address 409 Everett Avenue Monkton, Maryland 21111

By The Zoning Commissioner of Baltimore County, this_____26th_____day

of_____, 197 9, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

___A__M.

Petitioner's Attorney

RE: PETITION FOR VARIANCES S/S of Everett Ave., 407.6' W of York Rd., 7th District

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

: Case No. 80-49-A EDITH M. PRESTON, Petitioner

ORDER TO ENTER APPEARANCE

:::::::

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of an hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

Planning Director
Office of Planning and Zoning Baltimore County Courts Building Town, Mid. 2120+

In reference to the request for a zoning variance on Everett Road, I see no reason

to object to granting Ims. Erich Preston's request

allowing a Iminimum diametrical demension

of 145 ft. instead of the required 250' and a

15' sideyard setback in lieu of the required

Dear Siv:

John W. Hessian, III People's Counsel for Baltimore County County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 13th day of August, 1979, a copy of the aforegoing Order was mailed to Edith M. Preston, 409 Everett Avenue, Monkton, Maryland 21111, Petitioner.

410 Everett Road

august 27, 1979

monkton, med. 21111

MCKEE, DUVAL & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

1717 YORK RD.

LUTHERVILLE, MARYLAND 21093

Telephone: (301) 252-5820

July 10, 1979

Description of 2.00 Acres of Land, More or Less 7th Election District Paltimore County, Maryland

Beginning for the same on the southern right-of-way of Everett Avenue said point being 407 feet West of the intersection of Everett Avenue and York Soad and running thence binding on the or Everett Avenue and fork Hoad and running thence binding on the southerly right-of-way of Everett Avenue the following two courses and distances: South 89 0' West 110.00feet, South 89 7' West 243.00 feet thence due South 145.00 feet thence North 89 7' East 243.00 feet thence due South 321.00 feet thence North 89 0' Last 110.00 feet thence due Forth 472.00 feet to the place of beginning 2.00 Acres of land more or less.

October 3, 1979

Ms. Edith M. Preston 409 Everett Avenue Monkton, Maryland 21111

> RE: Petition for Variances S/S of Everett Avenue, 407.6' W cf York Read - 7th Election District Edith M. Preston - Petitioner NO. 80-49-A (Item No. 196)

Dear Ms. Preston:

I have this date passed my Order in the above referenced matter in accordauce with the attached.

Very truly yours,

WILLIAM E. HAMMOND Zoning Commissioner

WFH/srl

Attachments

cc: John W. Hessian, III, Esquire People's Counsel

JUL 16 '79 AM

BEVISED PLANS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond Zoning Commissioner

August 9, 1979

Protestant's Attorney

FROM Director of Planning and Zoning

Petition #80-49-A. Item 196

Petition for Variance for minimum diametral dimension and side yard setback South side of Everett Avenue 407.6 feet West of York Road Petitioner - Edith M. Preston

7th District

HEARING: Tuesday, August 28, 1979 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

JDS:JGH:rw

MCKEE, DUVAL & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

1717 YORK RD.

LUTHERVILLE, MARYLAND 21053

Telephone: (301) 252-5820

March 13, 1979

Description of 15.191 Acres of Land, More or Less 7th Election District Baltimore County, Baryland

Beginning for the same on the South side of Everett Avenue at a point distant 407.6 feet West of the West line of the former Baltimore/ York Turnpike said place of beginning being 110 feet from the end of the first line of the survey dated July 13, 1959 by A. F. Dise, Reg. Eng., and running thence South 890 00° West 110.00 feet, thence due North 24.75 feet, thence South 89° 07° West 514.80 feet, thence South 77° 00° West 660.00 feet, thence leaving Everett Avenue South 01° 30° West 155.00 feet, thence South 87° 12' West 265.00 feet, thence North -03° 03' East 100.00 feet, thence North E9° 48' West 168.80 feet, thence North 80° 48° West 38.00 feet, thence South 04° 30° West 282.56 feet, thence North 87° 00° East 1.155.00 feet, thence North 89° 30° East 450.99 feet, thence North 890 00 East 110.00 feet, thence due North 472.50 feet to the place of beginning. Containing 15.191 acres of land. more or less.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficult and unreasonable hardship upon the Petitioner(s), the Variances should be nad; and it further appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community; and, therefore IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of Octuber, 1979, that the herein Petition for Variances to permit a minimum diametral dimension of 145 feet in lieu of the required 250 feetand aside yard setback of 15 feet in lieu of the required 50 feet, for the expressed purpose of constructing a dwelling thereon, should be and the same is GRANTEI, and after the date of this Order, subject, however, to the following restric-1. Compliance with subdivision regulations. 2. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning. Zoming Commissioner of Baltimore County Pursuant to the advertisement, posting of property and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unrea-____________ IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____day

Ms. Edith M. Preston cc: MeKee, DuVal, & Assoc., Inc. 409 Everett Avenue 1717 York Road Monkton, Maryland 21111 Lutherville, Maryland 21093 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING Courty Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your Petition has been received and accepted for filing this WILLIAM E. HAMMOND Zoning Commissioner Petitioner Edith M. Preston Reviewed by: Kutoto H Petitioner's Attorney Nicholas B. Commodari Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 16, 1979

Nicholus B. Commodari

State Roads Coumissi

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Ms. Edith M. Preston 409 Everett Avenue Monkton, Maryland 21111

RE: Item No. 196 Petitioner - Preston Variance Petition

Dear Ms. Preston:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced Petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This Variance Petition originated as a result of your proposal to construct a tenant house on this property within 15' of the side property line, in lieu of the required 50°. However, because you have now decided to subdivide this property, an additional Variance for minimum diametral dimension has been included with the request.

All comments from this Committee were written in reference to the formal proposal. However, I have contacted each member concerning your revision, and they indicated that the original comments are still applicable. The only exception would be those of the Office of Current Planning, which would indicate that all Baltimore County Subdivision Regulations must be satisfied.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This Petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

> NICHOLAS B. COMMODARI, Chairman Zoning Plans Advisory Committee

cc: McKee, DuVal & Associates 1717 York Road Lutherville, Maryland 21093

battimore county department of public works TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.

May 8, 1979

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #196 (1978-1979) Property Owner: Edith M. Preston S/S Everett Rd. 407.6' W. York Pd. Existing Zoning: RC 5 Proposed Zoning: Variance to permit a side setback of 15' in lieu of the required 50°.

Acres: 15.191 acres District: 7th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Subdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Everett Road, an existing public road, is proposed to be improved in the future on a 50-foot right-of-way. Highway right-of-way widening, including any necessary . revertible easements for slopes will be required in connection with any grading or building permit application or further development of this property.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Item #196 (1978-1979) Property Owner: Edith M. Preston May 8, 1979

is/are hereby DENIED.

Storm Drains: (Cont'd)

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Future drainage and utility easements will be required through this property.

of _____, 197 __, that the aforementioned Variance(s) be and the same

Zoning Commissioner of Baltimore County

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-10B, as amended, indicate "No Planned Service" in the area.

Chief, Bureau of Engineering

END: EAM: FWR: ss

cc: J. Wimbley D. Grise

HH-SE Key Sheet 105 & 106 NW 10 Pos. Sheets NW 27 C Topo 22 Tax Map

baltimore county office of planning and zoning TOWSON, MARYLAND 21204 (301) 494-3211

June 14, 1979

Mr. William Hammond . Joning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond-

LESLIE H. GRAEF

Comments on Item #196, Zoning Advisory Committee Meeting, March 27, 1979, are as follows:

PROPERTY OWNER: Edith M. Preston Location' S/S Everett Ave. 407.6' W. York Road Existing Zoning: RC-5 Proposed Zoning: Variance to permit a side setback of 15' in lieu of the required 50'. Acres: 15.191 acres District: 7th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley Planner III

Current Planning and Development

baltimore county department of traffic engineering TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

April 5, 1979

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

The Department of Traffic Engineering has no comments on the

following items of the Zoning Advisory Committee Meeting of March 27, 1979: Items 195, 196, and 197.

Very truly yours,

Engineer Associate II

MSF/hmd

battimore county department of health TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE AND COUNTY HEALTH OFFICER

June 6, 1979

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #196, Zoning Advisory Committee meeting of March 27, 1979, are as follows:

> Property Owner: Edith M. Preston S/S Everett Ave. 407.6 W York Road Location: Existing Zoning: R.C. 5

Variance to permit a side setback of 15 Proposed Zoning: in lieu of the required 50° 15 .191

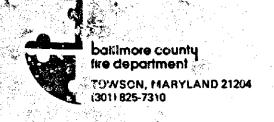
Acres: District:

The proposed house will be served by a private water well and sewage disposal system. Prior to application for a building pearit, soil percolation tests will have to be performed. A water well meeting all Baltimore County Department of Health and State of Maryland Department of Health and Mental Hygiene requirements, must be drilled prior to approval of a Building Permit.

BURFAU OF ENVIRONMENTAL SERVICES

IJF/JRI:ph &

RE: Zoning Comments



Paul II. Reincke

3.00°

April 17, 1979

Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: N. Commodari, Chairman Zoning Advisory Committee

Ro: Property Owner: Edith M. Preston

Location: S/S Everett Ave. 407.6' W York Rd.

Item No. 196

Zoning Agenda Meeting of 3/27/79

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ______ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Morks.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Acoust M Neigand

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

April 3, 1979 Nick Commodari Ted Burnham

Zor as Advisory Meeting SUBJECT Marin 27, 1979

> No objection - Standard Comment ITEM NO. 195 No objection Standard Comment ITEM NO. 196 Plans were missing, no comment. ITEM NO. 197

See Comments ITEM NO. 198

> Charlo & Sumban Ted Burnham, Chief Plans Review

80-49-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting AUGUST 10,1979 PETITION FOR VARIANCE Petitioner: EDITH M. PRESTON Location of property: S/S EVERETT AVE. 407.6' W YORK ROAD Location of Signs: S/S EVERETT Rd. 500 for - W of YORK Rd. +UGUST 17 1979 fleoreras h. 1-SIGN

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received * this /3 /4 day of Filing Fee \$25.00.

___Cash

___Other

Zoning Commissioner Jeffrey Schultz Petitioner Edith Predom Submitted by McHee + Davel Petitioner's Attorney Reviewed by Vilne alle

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE-COUNTY, MARYLAND No. 83138 OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT PATE August 24, 1979 ACCOUNT FROM: Paith M. Preston FOR: Advertising and Posting for Case #80-19-1 _38352AUS 28 47.00 %c VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND No. 83070 OFFICE FINANCE - REVENUE DIVISION MISCELLENEOUS CASH RECEIPT PATE JULY 51. 1979 ACCOUNT #01-662 FROM: McKee, Duvel & Associat is, Inc. FOR: Filing Fee for Case #80-19-4 187 2 12 MB 1 25.00 MSC VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

PETITION FOR VARIANCE

ZONING: Petition for Variance for minimum diametral dimension and side yard setback.

ZOCATION: South side of Everett ... enue, 407.6 feet West of York Load DATE & TIME: Tuesday, August 28, 1979 at 9:80 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Bal-timers County, by auth rity of the Zoning Act and Regulations of Baltimors County, will hold a public hearing:

Petition for Variance to permit a minimum diametral dimension of

minimum diametral dimension of 145 feet in lieu of the required 250 feet and to permit a 15 foot side yard setback in lieu of the required 50 feet.

The Zoning Regulation to be excepted as follows:
Section 1A04.3.B.2—diametral di-

mension Section 1A04.S.B.S. side yard set

Preston, as shown on plat plan fried with the Zoning Department.
Hearing Data: Tuesday, August 28, 1979 at 9:80 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesa-pesks Avenue, Towson, Maryland.
By Order Of
WILLIAM E. HAMMOND,
Tening Commissioner

TOWSON, MD.,_____August 9_____, 19_79 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., operationers xxx one time ___xxxxxxxxxxxx before the ___28th____ day of ___ fuguat_____, 19.79_, the first publication appearing on the 9thday of August 19.79.. L. Leank Structur

Cost of Advertisement, \$_____

TENTION FOR VARIANCE 78t Disariet
20040-9: Petition for Verlance
for minimum disavetral dimension
and side yard settect.
LOCATION: South side of Eserest Avenue, 477.4 feet West of ersit Avenue, 477.8 test West of York Road.
DAYE & TIME: Tuesday, August 28, 1979 at 9:30 s.m.
PUBLIC FIEARING: Room 108, County Office Building, 1:11 W. Chessuseatr Avenue, Towson, Maryland
The Zoning Contributions of Building recounty by authority of the Zoning Act and Regulations of Buildinger County, will hold a public hearing: Petition for Varience to permit: a minimum diemetral dimension of 148 feet in lieu of the required 256 feet and to permit a 15 loot side yard setback in lieu of life resulted 50 feet.
The Zoning Regulation to be estimated as follows: Section 1A04.3.8.2—side yard set-linck. All that percet of tend in the exempt. Outlier of Stattmore Seventh District of Baltimore County
Beginning for the same on the numbers right-of-way of Everett Avenus said post being 407 feet Avenus and York Road and run-ing thence binding on the south-ing thence south 89° 8′ West 110:00 feet. South 89° 7′ West 243:00 feet thence dive South 145:02 Seet I. wit. South 89" 7" West 243:00 feet mence due South 145:00 seet hence Morth 89" 7" East 243:00 het thence due South 321:00 leet hindca Horth 89" 0" East 110:00 het thence due Morth 472:00 feet hi the phace all beginning 2:00 Acres of kind more or tess.

Senig the property of Edith M. Presson, as shown on plet planted with the Zoning Department, hearing Deter Tuesday, August 15, 1979 at 9:30 a.th.

Public Hearing: Room 106, Charty Office Building, 111 W, 1979 at 9:30 a.th. BY ORDER OF WILLIAM & HAMMOND CONNIG COMMISSIONER OF BALTIMORE COUNTY

Town Aug. 9.

THE LIMITS NEWSPAPERS August 9. 1979 TOWSON, MD. 21204 THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Edith M. Preston

was inserted in the following: L05043

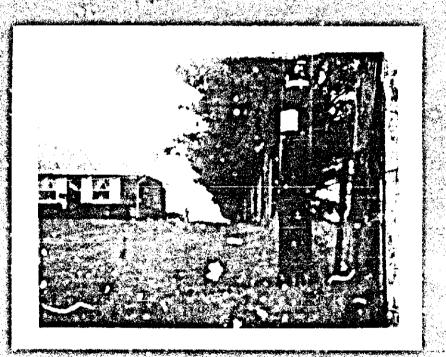
☐ Catonsville Times ☐ Essex Times

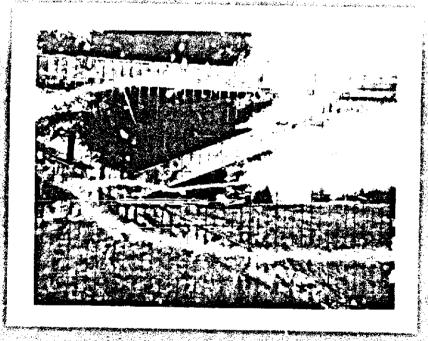
☐ Arbutus Times ☐ Community Times

Towson Times

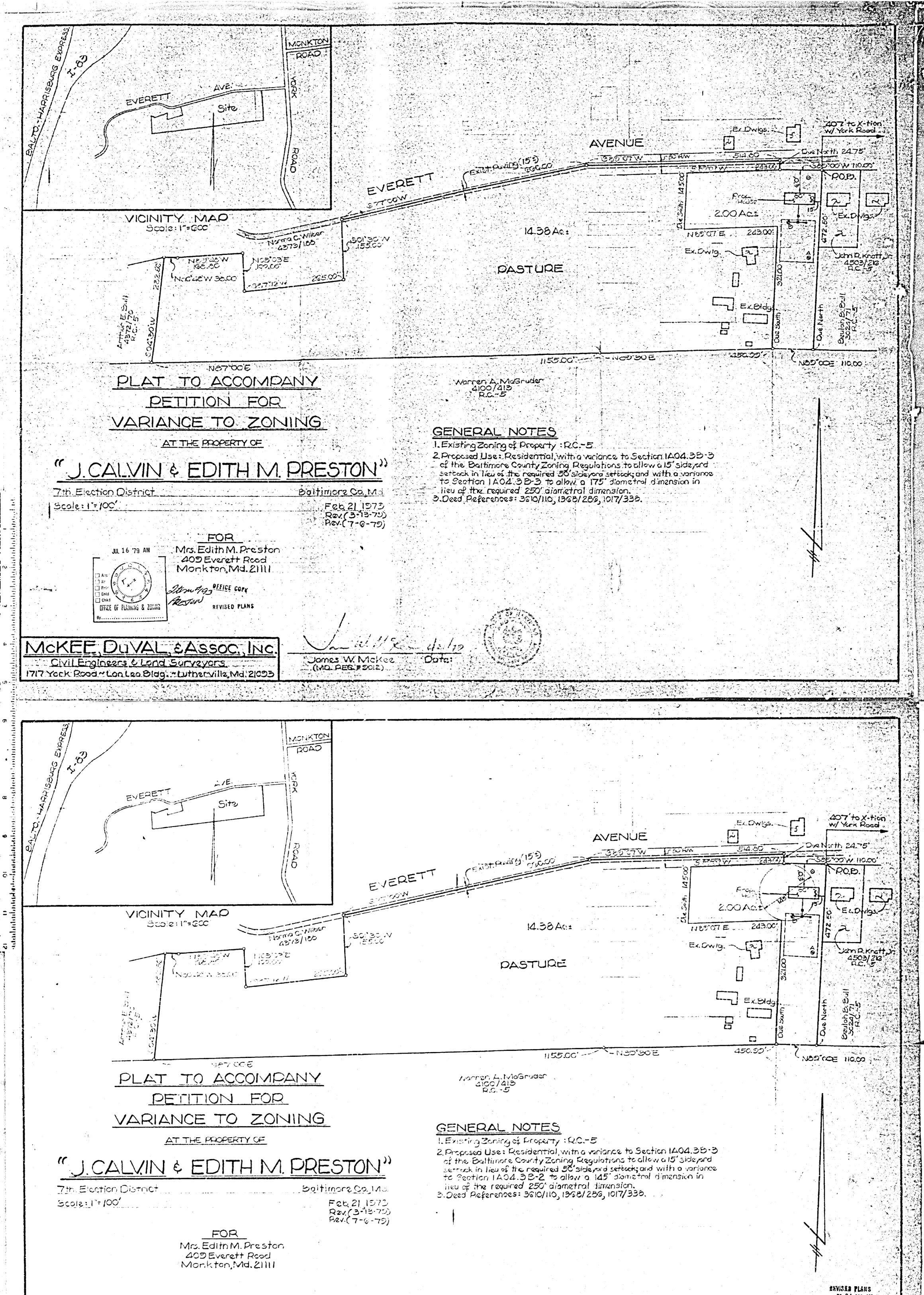
weekly newspapers published in Baltimore, County, Maryland, once a week for _____successive weeks before the ____19___, that is to say, the same was inserted in the issues of August 9:1979.

> STROMBERG PUBLICATIONS, INC BY Freira Pannelville









MCKEE, DUVAL, &ASSOC, INC. Civil Engineers & Lond Surveyors 1717 York Pood ~ Lon Les Bidg. ~ Lutherville, Md. 21033

Jomes W. McKer (INC. FEG. #2012)

JIL 26 79 AM

